

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:18cr243-MHT
)	(WO)
ROBERT REYNOLDS, JR.)	

OPINION AND ORDER

For the reasons set forth below, defendant Robert Reynolds, Jr.'s motion to continue will be granted and his jury selection and trial, now set for March 13, 2019, will be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the

defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Reynolds in a speedy trial. Defense counsel requests additional time to finalize the terms of Reynolds's plea agreement and to evaluate further the interaction of pending state charges against Reynolds with his instant federal case. The

government does not oppose a continuance. The court concludes that a continuance is warranted to enable Reynolds and his counsel to have sufficient time to resolve this case.

Accordingly, it is ORDERED that:

(1) Defendant Robert Reynolds, Jr.'s motion to continue (doc. no. 279) is granted.

(2) The jury selection and trial, now set for March 13, 2019, are reset for April 8, 2019, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 5th day of March, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE